

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

DOM HAMRICK,

Plaintiff,

- v -

**Civ. No. 1:12-CV-576
(TJM/RFT)**

**DANIELLE LYNN HAMRICK, Employee of NY Office of
the Attorney General; ERIC T. SCHNEIDERMAN, New York
State Attorney General; P. DAVID SOARES, Albany County
District Attorney; RONALD BOISVERT, Chief of Police;
KATHLEEN M. DALTON, Ph.D., Commissioner,**

Defendants.

**THOMAS J. McAVOY,
Senior United States District Judge**

DECISION & ORDER

I. INTRODUCTION

This pro se action brought pursuant to 42 U.S.C. § 1983 was referred by this Court to the Hon. Randolph F. Treece, United States Magistrate Judge, for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule N.D.N.Y. 72.3(c). In his Report-Recommendation and Order, Magistrate Judge Treece recommended that Plaintiff's complaint be dismissed, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) & (iii), for failure to establish subject matter jurisdiction and for failure to state a claim upon which relief may be granted; and that Plaintiff's Motion for Temporary Injunction [Dkt. # 4] against the Watervliet City Court's Arrest Warrant be denied. Plaintiff filed objections to

the Report-Recommendation and Order. Dkt. # 7.

II. DISCUSSION

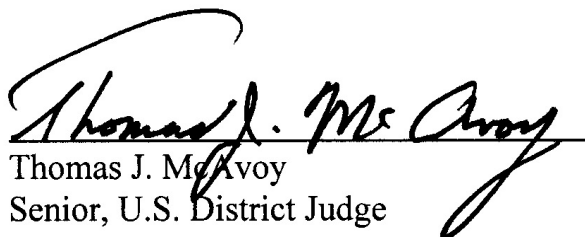
When objections to a magistrate judge's report and recommendation are lodged, the district court makes a "de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." See 28 U.S.C. § 636(b)(1)(C). After reviewing the report and recommendation, the Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge may also receive further evidence or recommit the matter to the magistrate judge with instructions." 28 U.S.C. § 636(b)(1)(C).

III. CONCLUSION

Having reviewed Plaintiff's objections, the Court determines to adopt Magistrate Judge Treece's recommendations for the reasons stated in the Report-Recommendation and Order [dkt. # 6]. Therefore, Plaintiff's complaint [dkt. # 1] is **DISMISSED**. Plaintiff's Motion for a Temporary Injunction [Dkt. # 4] is **DENIED**. Plaintiff's Letter Motion requesting to withdraw his demand for a jury trial [dkt. # 11] is **DENIED** as moot.

IT IS SO ORDERED

Dated: February 19, 2013


Thomas J. McAvoy
Senior, U.S. District Judge